

**RESOLUTION NO. 15-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION REPEALING  
PARAGRAPH UMBER 7 FROM CITY COUNCIL RESOLUTION NUMBER 8220  
RELATING TO LAND USE CONVERSION**

**WHEREAS**, on January 15, 2013, the Milpitas City Council adopted Resolution No. 8220 approving amendments to the Land Use and Circulation Elements of the Milpitas General Plan; and

**WHEREAS**, amendments to the Land Use Element of the Milpitas General Plan included adding General Plan Land Use Policy 2.a-I-2, which prohibits the conversion of employment/sales tax generation properties to residential uses until there is an eighty percent (80%) build out of the Midtown and Transit Area Specific Plan areas; and

**WHEREAS**, City Council Resolution No. 8220 included Paragraph Number 7, which exempted properties west of McCarthy Ranch Road and north of Highway 237 and properties east of California Circle and West of Penitencia Creek from complying with General Plan Policy 2.a-I-2; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission recommend the City Council determines this project categorically exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines, Review for Exemption, since the project has no potential to cause a significant effect on the environment because the project will not allow any industrial land conversion to residential; and

**WHEREAS**, on January 14, 2015 the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**Section 2:** The proposed project is categorically exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines, Review for Exemption because the project has no potential to cause a significant effect on the environment, since the project will not allow any land use conversion from industrial land to residential uses.

**Section 3:** There are no specific findings required for the Planning Commission to support the repealing of Paragraph Number 7 in City Council Resolution No. 8220 since there are no General Plan Amendments, Zoning Amendments, or approval of any other permits or amendments required to repeal Paragraph Number 7 in City Council Resolution No. 8220.

Although no specific findings are required, the Planning Commission does find repealing Paragraph Number 7 in City Council Resolution Number 8220 is consistent with the City's General Plan. Specifically, the amendment will focus residential development on the Midtown and Transit Area Specific Plans, consistent with Policy 2.a-I-2 by removing other areas of the City from residential development until 80% of the Midtown and Transit Areas are built out. Additionally, amending the resolution will also preserve properties from converting to residential uses that instead are intended for employment and income producing purposes.

Further, the Planning Commission finds amendment to Resolution No. 8220 will not adversely affect the public health, safety and welfare. The amendment will focus residential development in areas that anticipate and have planned for significant future residential development. Further, amending the resolution will help the City achieve long term fiscal sustainability by focusing residential development in areas with the infrastructure to accommodate the development. For these reasons, the proposed amendment to Resolution No. 8220 will not affect the public health, safety and welfare.

**Section 4.** Based on the findings set forth herein, the Planning Commission of the City of Milpitas adopts this Resolution recommending the City Council adopt a resolution repealing Paragraph 7 in City Council Resolution No. 8220 relating to land use conversion.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Milpitas on January 14, 2015.

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Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January 14, 2015 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Larry Ciardella				
Gurdev Sandhu				
Rajeev Madnawat				

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Demetress Morris				
Hon Lien				
Ray Maglalang				
Zeya Mohsin (alternate)				